

GEORGIA UNCONTESTED DIVORCE ASSESSMENT

Question: I know I want a divorce but don't know the next step. Can I file the divorce myself, or do I need to hire a mediator or lawyer?

ADLG's Answer: The next step depends on how much you and your spouse can agree without the help of a professional. Below is a list of what you and your spouse must agree on to resolve your divorce. Sit down with your spouse and see how many of these you agree on. Then use the final page to decide if you can file the divorce yourself or if you need a mediator or lawyer.

STEP 1: Discuss all the below issues with your spouse.

Write down the details of everything you agree on.

<u>ITEM</u>	<u>EXPLANATION</u>
Alimony	If one party is going to pay alimony to the other, who will be paying alimony to whom, how much, how often, and for how long. For example, "Husband to pay Wife alimony in the amount of \$500.00 per month for five years, beginning on _____."
Legal Custody of Children	Joint or Sole
Final Decision-Making	If the parties have joint legal custody and cannot agree on a major decision, which parent will make the final decisions related to the child(ren) as to each of the following categories: Health, Education, Extracurricular, and Religion?
Physical Custody	Complete your own detailed schedule that includes weekends, every holiday and school break, and summer/vacation time.
Transportation	Who is responsible for transporting the child(ren) between households? Include where the children will be picked up from or delivered to, such as the other parent's home, school, or choose a central location.
Child Support	What child support amount will be paid to the primary physical custodian? The calculator can be found here: https://csconlinecalc.georgiacourts.gov/frontend/web/index.php
Medical Insurance	Who will cover health, vision, and dental insurance for the children?
Uninsured Medical	How will you share the costs of uninsured medical expenses for the child(ren)?
Extracurriculars	How will you share the costs of extracurricular activities for the child(ren)?

Life Insurance	Will one party or both parties be required to carry life insurance? If so, which party/parties, for how long, what is the minimum amount of coverage, who are the beneficiaries and trustees to be?
Marital Residence	<ol style="list-style-type: none"> 1. Which party will have the right to stay in the marital residence? 2. When must the other party vacate? 3. Will you be selling the residence? If so, when will you list the house for sale? 4. If you are selling, who may choose the terms of the sale? (Realtor, list price, sales price, etc.) 5. If one party is refinancing, which party? 6. If one party is refinancing, what is the deadline to refinance? 7. What happens if the refinancing party is not approved for the refi? 8. How will any equity or loss be split, in the event of a sale or cash-out refinance?
Additional Real Property	Answer the questions above for any additional real property.
Cars/Vehicles	<ol style="list-style-type: none"> 1. Who will keep possession and title of each vehicle? 2. Will one party refinance the vehicle in their own name? Who will refinance and what is the deadline?
Business Entities	If either of you owns a business entity, how interest or value in the business will be divided for each business owned by one or both parties.
Bank Accounts	List each bank account, how it is to be divided, and the deadline for dividing.
Debts	List each debt and who is to retain each. Does any joint debt need to be refinanced into an individual name?
Retirement/Investments	List each investment and retirement account, who retains each, if any account is to be divided, and if a QDRO is necessary to divide an account, who will pay for preparation of the QDRO.
Personal Property	Please provide a list of any significant personal items that have not been exchanged, and who will keep each (furniture, collectibles, art, tools, etc.)
Tax Filing for Previous Year	If you've not filed for the year prior to the year you expect your divorce to be finalized, please indicate whether you will be filing jointly or separately and how any amount owed or refund will be divided.
Attorneys' Fees	How will attorneys' fees be divided?

Step 2: Write down a list of issues that you do not agree on.

Step 3: Find the category where you fit below to determine your next step!

Category 1: Uncontested Divorce if ONE of the below applies.

- A. You have no minor children, no assets, no debts, neither party wants alimony, and both parties agree to sign the divorce papers.
- You can get all the forms you need to file and finalize the divorce from the clerk of the Superior Court in the county where you live.

OR

- B. You have children, assets, debts, and/or one party will receive alimony, but you agree on 100% of the items in the above list.
- Write down your agreement (but do not sign!) and hire an attorney to draft the final documents. Even though you agree, you want to make sure the wording is correct so no problems come up later. It is best for each party to have their own attorney review the documents prior to signing.

Category 2: Hire a Mediator If BOTH of these apply.

- A. You reached an agreement on almost all the issues above.

AND

- B. You do not have legal questions but need help reaching a compromise on a few small remaining issues.
- Examples of small issues – How long a party has to refinance the house or list it for sale, how long a spouse has to move out of the house, how credit card debt will be split, how to divide furniture or household items, how to handle transportation for the children between homes.

Category 3: Hire a lawyer if ANY of these apply.

- A. You or your spouse want advice before agreeing to certain terms.
- A mediator cannot give legal advice, so they cannot tell you if an agreement is fair or what a judge would likely do with your facts.
- B. You disagree on many items in the above list, or you disagree on major issues.
- Examples of major issues – you have very different opinions on a custody schedule, you are very far apart in your numbers for alimony or child support, one party believes they are entitled to more than half of the assets, the parties disagree on what assets are marital property to be divided and what is a spouse's separate property, a party cannot agree on division because they believe the other is hiding money.
- C. You own a business, have significant assets or debt, one party has a pension and is vested, one party has military retirement, or one parent has a concern about safety of the children with the other parent.
- These are issues where it's important to have advice from an attorney on how to protect yourself or your children or value an asset.

Do you need to talk about options? **Call (678) 798-8096 to schedule a consultation with a member of the Atlanta Divorce Law Group team.**